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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/762,380  | 02/07/2001  | Yoshitaka Yaguchi    | MTS-3243US          | 3996             |
| 7590  | 05/18/2006  |                      | EXAMINER            |                  |
| Allan Ratner<br>Ratner & Prestia<br>One Westlakes Berwyn Suite 301<br>PO Box 980<br>Valley Forge, PA 19482-0980 |             |                      | FLETCHER, JAMES A   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2621                |                  |
| DATE MAILED: 05/18/2006   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/762,380             | YAGUCHI ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | James A. Fletcher      | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6,22,25-27 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6,22,25-27 and 32-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/25/05; 1/30/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***New Art Unit***

1. Please include the new Art Unit 2621 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2616, will be assigned to new Art Unit 2621. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The preliminary amendment, filed with the application on 7 February 2005, contains several errors regarding the location of various corrections to be made to the text of the specification. Further, the amendment leaves in several “[sic]” notations that seem to indicate that the errors being corrected were in an original specification that required change.

Appropriate correction is required.

### ***Response to Arguments***

3. Applicant's arguments filed 25 November 2005 have been fully considered but they are not persuasive.

The amended claims and the new claims contain only disclosure of limitations that were previously rejected, followed by an amendment that further limited the scope of the invention. The latest amendment has simply rephrased some remaining

limitations which does not change the scope of the invention, and removed the limitation which, in combination with other limitations, was not discovered in the prior art and caused the claims to be allowable. The examiner deems the amendment dated 13 April 2005 to acknowledge the validity of the rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al (5,838,873).

**Regarding claim 6**, Blatter et al disclose a recording and reproducing apparatus comprising:

- means of recording a predetermined signal discretely including Program Specific Information [PSI] or Service Information [SI] (Col 6, lines 54-57 "Controller 115 employs the process of FIG. 2 both to generate condensed PSI [CPSI] from this stored PSI and to incorporate the CPSI in a packetized datastream suitable for storage on a selectable storage medium");
- detecting means for detecting the PSI or the SI from the predetermined signal (Col 7, lines 53-58 "The user selection data is input to controller 115 via interface 120 following on-screen menu selection with remote control unit

125. In step 215, in response to the input selection data [SP], controller 115 derives the PIDs for the selected programs for storage from the stored PSI. The unit 47 detection filters are loaded with the PIDs of the programs to be stored by controller 115"); and

- adding means for adding the PSI or the SI to the head of the predetermined signal upon recording of the predetermined signal (Fig. 2, step 235 "Insert CPSI in the datastream in selected PSI data locations").

**Regarding claims 32 and 34,** Blatter discloses a recording and reproducing apparatus and method comprising:

- recording a predetermined signal discretely including Program Specific Information [SI] or Service Information [PSI] of a program (Col 6, lines 54-57 "Controller 115 employs the process of FIG. 2 both to generate condensed PSI [CPSI] from this stored PSI and to incorporate the CPSI in a packetized datastream suitable for storage on a selectable storage medium");
- detecting the PSI or the SI from the predetermined signal (Col 7, lines 53-58 "The user selection data is input to controller 115 via interface 120 following on-screen menu selection with remote control unit 125. In step 215, in response to the input selection data [SP], controller 115 derives the PIDs for the selected programs for storage from the stored PSI. The unit 47 detection filters are loaded with the PIDs of the programs to be stored by controller 115"); and

- adding the PSI or the SI to the head of the predetermined signal upon recording of the predetermined signal (Fig. 2, step 235 "Insert CPSI in the datastream in selected PSI data locations").

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22, 25-27, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al, and further in view of Yanagihara (5,835,668).

**Regarding claim 22**, Blatter et al disclose a recording and reproducing apparatus comprising:

- recording means for recording an MPEG transport stream (Col 3, lines 58-60 "A video receiver user selects...the programs he wishes to store, the type of storage media and manner of storage" and Col 3, lines 36-38 "the disclosed system is described in the context of an MPEG compatible system for receiving MPEG encoded transport streams representing broadcast programs");
- means of detecting Program Clock Reference (PCR) from the MPEG transport stream (Col 6, line 21 "controller 115 reads the timing information and PCR value");

- Blatter discloses detecting PCR from the MPEG stream (Col 6, line 21 “controller 115 reads the timing information and PCR value”), but does not disclose adding it to the head of the MPEG transport stream.

Yanagihara teaches a recording and reproducing apparatus which, on recording the MPEG transport stream, the means of detecting PCR detects PCR from the MPEG transport stream and adds it to the head of the MPEG transport stream (Col 7, lines 59-63 “PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR’...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR’ data”).

As taught by Yanagihara, adding detected PCR data to the head of the MPEG stream is a well-known and widely used technique of providing timing data to a recorded multimedia stream, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

**Regarding claim 25**, Blatter et al discloses a recording and reproducing apparatus characterized in that the PCR has a cyclic counter value (Col 6, lines 22-24 “PCR values of successive timing information packets are used by controller 115 to adjust the system 25 master clock”), but does not disclose adding that value to the MPEG transport stream.

Yanagihara teaches adding the value to the MPEG transport stream to keep continuity (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As suggested by Blatter et al and taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

**Regarding claim 26**, Blatter et al do not disclose rewriting the contents of the PCR.

Yanagihara teaches a recording and reproducing apparatus characterized in that the MPEG transport stream to which PCR is added has its contents rewritten (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

**Regarding claim 27**, Blatter et al do not disclose rewriting the contents of the PCR.

Yanagihara teaches a recording and reproducing apparatus characterized in that a cyclic counter value of PCR added to the means of adding PCR is rewritten in compliance with a cyclic counter value of PCR originally included in the MPEG transport stream so as to keep the continuity (Col 7, lines 59-63 “PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR’...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR’ data”).

As taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

**Regarding claims 33 and 35**, Blatter discloses a recording and reproducing apparatus and method comprising:

- recording an MPEG transport stream including a Program Clock Reference [PCR] (Col 3, lines 58-60 “A video receiver user selects...the programs he

wishes to store, the type of storage media and manner of storage" and Col 3, lines 36-38 "the disclosed system is described in the context of an MPEG compatible system for receiving MPEG encoded transport streams representing broadcast programs" and );

- detecting the PCR from the MPEG transport stream (Col 6, line 21 "controller 115 reads the timing information and PCR value"); and
- Blatter does not disclose adding the PCR to the head of the MPEG transport stream upon recording of the MPEG transport stream.

Yanagihara teaches a recording and reproducing apparatus which, on recording the MPEG transport stream, the means of detecting PCR detects PCR from the MPEG transport stream and adds it to the head of the MPEG transport stream (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, adding detected PCR data to the head of the MPEG stream is a well-known and widely used technique of providing timing data to a recorded multimedia stream, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

The examiner notes that this case was allowed for issue, based on an amendment that added a limitation to the independent claims in a combination that could not be found in a search of prior art. The latest amendment to this case cancelled that limitation, as well as several others, necessitating this rejection of the amended claims, as well as the new claims that also do not contain the combination of limitations originally deemed allowable. The examiner also notes that reinstatement of the previously deemed allowable combination of limitations will require a search of the prior art, which may result in discovery of the limitations previously deemed allowable.

***Conclusion***

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
12 May 2006

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Art Unit 2621